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No. 82-2016

IN THE

Supreme Court of the United States

OCTOBER TERM, 1982

RICHARD L. SOLYOM, *Appellant,*

v.

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, *Appellee.*

On Appeal from the Court of Special Appeals of Maryland

SUPPLEMENTAL BRIEF IN SUPPORT OF JURISDICTION

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21 September 1983

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Appellee Maryland-National Capital Park and Planning Commission has filed no motion to dismiss or affirm the pending appeal herein. Thus, the Commission concedes by silence the substantiality of the constitutional question Appellant Richard L. Solyom presents to this Court, and admits by conduct its inability to present any reason why this Court should deny his prayer that the Court reverse and remand for a trial on that question.

This is not surprising. Startling, indeed, would be the converse contention—at which the Commission refrains even from hinting—that a litigant who raises

a serious constitutional issue in opposition to expropriation of his land by eminent domain is *not* entitled to a trial on that issue.

Because of the Commission's concession by silence, no legal reason exists why this Court should not note probable jurisdiction of this appeal, and set the case down for full briefing and oral argument. As a practical matter, however, the Commission's concession does support a simple *per curiam* reversal of the decision of the Court of Special Appeals of Maryland, and remand for a trial of the constitutional issues, without further time-consuming and costly proceedings before this Court. Mr. Solyom, of course, does not oppose such a resolution of the appeal.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, pursuant to Rule 28 of the Rules of this Court, I have served three (3) copies of the attached SUPPLEMENTAL BRIEF IN SUPPORT OF JURISDICTION on each of the following persons, by depositing said copies in a United States post office, first-class postage prepaid, addressed as indicated below:

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Done this 21st day of September, 1983.